

FORM PTO-1390U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

(REV. 5-93)

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

9052-53

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

09/529.210

INTERNATIONAL APPLICATION NO.

PCT/GB98/03073

INTERNATIONAL FILING DATE

12 October 1998

PRIORITY DATE CLAIMED

10 October 1997

TITLE OF INVENTION

ELECTROMAGNETIC RADIATION THERAPY

APPLICANT(S) FOR DO/EO/US

Gordon Rex Paterson DOUGAL

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(l).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information: Petition and Fee for Extension of Time; copy of Notification of Missing Requirements

07/25/2000 ERIHANDO 00000097 09529210

01 FC:115

02 FC:154

110.00 DP

130.00 DP

09/529,210

PCT/GB98/03073

9052-53

17. [X] The following fees are submitted:

Basic National Fee (37 CFR 1.492(a)(1)-(5)):

Search Report has been prepared by the EPO or JPO \$840.00

International preliminary examination fee paid to USPTO
(37 CFR 1.482). \$670.00No international preliminary examination fee paid to USPTO
(37 CFR 1.482) but international search fee paid to USPTO
(37 CFR 1.445(a)(2)) \$760.00Neither international preliminary examination fee (37 CFR 1.482)
nor international search fee (37 CFR 1.445(a)(2)) paid to
USPTO. \$970.00International preliminary examination fee paid to USPTO
(37 CFR 1.482) and all claims satisfied provisions of PCT
Article 33(1)-(4). \$96.00

ENTER APPROPRIATE BASIC FEE AMOUNT = \$840.00

Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20
[] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$130.00

| Claims | Number Filed | Number Extra | Rate |
|---|--------------|--------------|------------|
| Total Claims | 30-20 = | 0 | X \$18.00 |
| Independent Claims | 3-3 = | 0 | X \$78.00 |
| Multiple dependent claim(s) (if applicable) | | | + \$260.00 |

TOTAL OF ABOVE CALCULATIONS =

\$

Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity
statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).

\$

SUBTOTAL =

\$

Processing fee of \$130.00 for furnishing the English translation later than
[] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

TOTAL NATIONAL FEE =

\$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment
must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00
per property +

\$ 40.00

TOTAL FEES ENCLOSED =

\$170.00

Amount to be
refunded \$

charged \$

a. [X] A check in the amount of \$280.00 to cover the above fees and the Extension of Time fee is enclosed.

b. [] Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the
above fees. A duplicate copy of this sheet is enclosed.c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
overpayment to Deposit Account No. 50-0220.NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must
be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Robert J. Smith
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being
deposited with the United States Postal Service as first
class mail in an envelope addressed to BOX PCT,
Commissioner for Patents, Washington, DC 20231, on
July 19, 2000.Marjorie J. Pfeiffer
Date of Signature: July 19, 2000

SIGNATURE

40,820
REGISTRATION NUMBER



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|----------------------|-----------------------|------------------|
| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/529210 | DOUGAL G | 9052-53 |

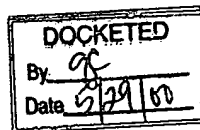
ROBERT J SMITH
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RALEIGH, NC 27627

| | |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. | |
| PCT/GB98/03073 | |
| I.A. FILING DATE | PRIORITY DATE |
| 12 OCT 98 | 10 OCT 97 |
| DATE MAILED: 23 MAY 2000 | |

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
 - ☐ a non-English language.
 - ☒ English.
- ☐ Translation of the international application into English.
- ☐ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☒ Preliminary amendment(s) filed 07 APR 2000 and _____.
- ☒ Information Disclosure Statement(s) filed 07 APR 2000 and _____.
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed _____.
- ☐ Verified Statement Claiming Small Entity Status.
- ☒ Priority Document.
- ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
- ☐ Other:



2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
 - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- 4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
- 5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

- ☐ PCT/DO/EO/917
- ☐ PTO-875
- ☐ Notice of Defective Translation

Winston M. Alvarado

Telephone: 703-305-6421